



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VOLKER PRETZLAFF et al.

Serial No.: 10/601,738

Filed: June 23, 2003

For: KEYLESS ACCESS AUTHORIZATION CONTROL DEVICE
AND IDENTIFICATION TRANSMITTER THEREFOR

Attorney Docket No.: KOA 0234 PUS (R 1381)

Group Art Unit: 2635

Examiner: Nguyen, Nam V.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Sir:

This is an Appeal Brief from the final rejection of claims 1-3, 5-8, 10-11, 13-16, and 18-20 of the final Office Action mailed June 14, 2005 for the above-identified patent application.

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I. REAL PARTY IN INTEREST

The real party in interest is Leopold Kostal GmbH & Co. KG ("Assignee"), a German corporation, and having a place of business at Wiesenstrasse 47, D-58507 Ludenscheid, Germany, as set forth in the assignment recorded in the U.S. Patent and Trademark Office on June 23, 2003 at Reel 014378/Frame 0596.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to the Appellant, the Appellant's legal representative, or the Assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-3, 5-8, 10-11, 13-16, and 18-20 are pending in this application, have been finally rejected, are the subject of this appeal, and are reproduced in the attached Claims Appendix. Claims 4, 9, 12, and 17 have been cancelled. Of the pending claims, claims 1, 6, 11, and 13 are independent claims.

IV. STATUS OF AMENDMENTS

The Applicant mailed an Amendment after Final on June 20, 2005. The Examiner indicated in the Advisory Action mailed June 30, 2005 that the proposed amendments in the Amendment after Final would be entered for purposes of appeal. As such, the claims reproduced in the attached Claims Appendix include the proposed amendments in the Amendment after Final.

V. SUMMARY OF CLAIMED SUBJECT MATTER

1. Independent Claim 1

Independent claim 1 recites a keyless authorized access control system. (The title; page 1, lines 7-11 and lines 14-25; page 3, lines 12-16; and page 5, lines 8-9 of the Applicant's specification.) The system includes at least two transceivers, with each transceiver being assigned to a respective object. (Page 1, lines 8-11; page 4, lines 12-13; and page 5, lines 9-17 of the Applicant's specification.)

The system further includes an identification (ID) device (1). (FIGS. 1-3; and page 1, lines 7-13; page 3, lines 12-28 of the Applicant's specification.) The ID device (1) includes a base module (2) operable to communicate commands to the transceivers assigned to the objects. (FIGS. 1-2; and page 3, lines 17-28; page 4, lines 1-16; and page 5, lines 13-19 of the Applicant's specification.)

The ID device (1) further includes at least two object modules (3, 4). (FIGS. 1 and 3; page 3, lines 17-23; and page 5, lines 17-22 of the Applicant's specification.) Each object module (3, 4) is assigned to a respective one of the objects. (Page 3, lines 17-23; page 4, lines 1-16; and page 6, lines 3-7 and lines 16-23 of the Applicant's specification.) Each object module (3, 4) includes a memory chip containing a code attuned to the assigned object. (Page 3, lines 17-23; page 4, lines 1-16; page 5, lines 22-25; and page 6, lines 3-7 of the Applicant's specification.) Each object module (3, 4) is interchangeably connected to the base module (2) through a respective interface (7). (Page 3, lines 22-23; page 4, lines 1-15; page 5, line 22 through page 6, line 2; and page 6, lines 11-15 of the Applicant's specification.)

Each object module (3, 4) includes a button (10, 11; 8, 9) operable for activating the base module (2) to communicate to the transceiver assigned to the object that is

assigned to the object module (3, 4) a command having the code attuned to the assigned object when the object module (3, 4) is connected through the respective interface (7) to the base module (2). (FIGS. 1 and 3; and page 6, lines 8-15 of the Applicant's specification.)

2. Independent Claim 6

Independent claim 6 recites an identification (ID) device (1) for a keyless authorized access control system operable for communicating with transceivers assigned to objects. (FIGS. 1-3; and the title; page 1, lines 7-13; page 3, lines 12-28; and page 5, lines 8-9 of the Applicant's specification.) The ID device (1) includes a base module (2) operable to communicate commands to the transceivers assigned to the objects. (Page 1, lines 8-11; page 4, lines 12-13; and page 5, lines 9-17 of the Applicant's specification.)

The ID device (1) further includes at least one object module (3, 4). (FIGS. 1 and 3; page 3, lines 17-23; and page 5, lines 17-22 of the Applicant's specification.) Each object module (3, 4) is assigned to a respective one of the objects. (Page 3, lines 17-23; page 4, lines 1-16; and page 6, lines 3-7 and lines 16-23 of the Applicant's specification.) Each object module (3, 4) includes a memory chip containing a code attuned to the assigned object. (Page 3, lines 17-23; page 4, lines 1-16; page 5, lines 22-25; and page 6, lines 3-7 of the Applicant's specification.) Each object module (3, 4) is interchangeably connected to the base module (2) through a respective interface (7). (Page 3, lines 22-23; page 4, lines 1-15; page 5, line 22 through page 6, line 2; and page 6, lines 11-15 of the Applicant's specification.)

Each object module (3, 4) includes a button (10, 11; 8, 9) operable for activating the base module (2) to communicate to the transceiver assigned to the object that is assigned to the object module (3, 4) a command having the code attuned to the assigned object when the object module (3, 4) is connected through the respective interface (7) to the base module (2). (FIGS. 1 and 3; and page 6, lines 8-15 of the Applicant's specification.)

3. Independent Claim 11

Independent claim 11 recites a keyless authorized access control system. (The title; page 1, lines 7-11 and lines 14-25; page 3, lines 12-16; and page 5, lines 8-9 of the Applicant's specification.) The system includes at least two transceivers, with each transceiver being assigned to a respective object. (Page 1, lines 8-11; page 4, lines 12-13; and page 5, lines 9-17 of the Applicant's specification.)

The system further includes an identification (ID) device (1) having a base module (2) operable to communicate commands to the transceivers assigned to the objects. (FIGS. 1-3; and page 1, lines 7-13; page 3, lines 12-28; page 4, lines 1-16; and page 5, lines 13-19 of the Applicant's specification.)

The ID device (1) further includes at least two object modules (3, 4). (FIGS. 1 and 3; page 3, lines 17-23; and page 5, lines 17-22 of the Applicant's specification.) Each object module (3, 4) is assigned to a respective one of the objects. (Page 3, lines 17-23; page 4, lines 1-16; and page 6, lines 3-7 and lines 16-23 of the Applicant's specification.) Each object module (3, 4) includes a memory chip containing a code attuned to the assigned object. (Page 3, lines 17-23; page 4, lines 1-16; page 5, lines 22-25; and page 6, lines 3-7 of the Applicant's specification.) The object modules (3, 4) are interchangeably connected to the base module (2) through respective interfaces (7). (Page 3, lines 22-23; page 4, lines 1-15; page 5, line 22 through page 6, line 2; and page 6, lines 11-15 of the Applicant's specification.) The base module (2) has at least two receptacles (5, 6) with each receptacle receiving one of the object modules (3, 4) in order to interchangeably connect the object modules (3, 4) to the base module (2) through the respective interfaces (7). (FIGS. 1 and 2; and page 5, lines 22-26 of the Applicant's specification.) Each object module (3, 4) includes a button (10, 11; 8, 9) operable for activating the base module (2) to communicate to the transceiver assigned to the object that is assigned to the object module (3, 4) a command having the code attuned to the

assigned object when the object module (3, 4) is connected through the respective interface (7) to the base module (2). (FIGS. 1 and 3; and page 6, lines 8-15 of the Applicant's specification.)

4. Independent Claim 13

Independent claim 13 recites a keyless authorized access control system. (The title; page 1, lines 7-11 and lines 14-25; page 3, lines 12-16; and page 5, lines 8-9 of the Applicant's specification.) The system includes at least two transceivers, with each transceiver being assigned to a respective object. (Page 1, lines 8-11; page 4, lines 12-13; and page 5, lines 9-17 of the Applicant's specification.) The system further includes an identification (ID) device (1) having a base module (2) operable to communicate commands to the transceivers assigned to the objects. (FIGS. 1-3; and page 1, lines 7-13; page 3, lines 12-28; page 4, lines 1-16; and page 5, lines 13-19 of the Applicant's specification.)

The ID device (1) further includes an object module (3, 4). (FIGS. 1 and 3; page 3, lines 17-23; and page 5, lines 17-22 of the Applicant's specification.) The object module (3, 4) is assigned to a first one of the objects and includes a memory chip containing a first code attuned to the first object. (Page 3, lines 17-23; page 4, lines 1-16; page 5, lines 22-25; and page 6, lines 3-7 of the Applicant's specification.) The object module (3, 4) is interchangeably connected to the base module (2) through an interface (7). (Page 3, lines 22-23; page 4, lines 1-15; page 5, line 22 through page 6, line 2; and page 6, lines 11-15 of the Applicant's specification.) The object module (3, 4) includes a button (10, 11; 8, 9) operable for activating the base module (2) to communicate to the transceiver assigned to the first object a command having the first code when the object module (3, 4) is connected through the interface (7) to the base module (2). (FIGS. 1 and 3; and page 6, lines 8-15 of the Applicant's specification.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 5-8, 10-11, 13-16, 18, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0067826 issued to King (“King”) in view of U.S. Patent No. 6,661,250 issued to Rohrberg (“Rohrberg”) and U.S. Patent No. 6,686,908 issued to Kobayashi (“Kobayashi”).

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Rohrberg, Kobayashi, and U.S. Patent No. 6,374,164 issued to Eklind (“Eklind”).

VII. ARGUMENT

A. Claims 1-3, 5-8, 10-11, 13-16, 18, and 20 are Patentable under 35 U.S.C. § 103(a) over U.S. Patent Application Publication No. 2002/0067826 (King) in view of U.S. Patent No. 6,661,250 (Rohrberg) and U.S. Patent No. 6,686,908 (Kobayashi)

1. The Claimed Invention

The claimed invention, as set forth in representative independent claim 1, is a keyless authorized access control system. The system includes at least two transceivers with each transceiver being assigned to a respective object. The system further includes an identification (ID) device having a base module operable to communicate commands to the transceivers assigned to the objects. The ID device further includes at least two object modules. Each object module is assigned to a respective one of the objects. Each object module has a memory chip containing a code attuned to the assigned object. Each object module is interchangeably connected to the base module through a respective interface. Each object module has a button operable for activating the base module to communicate to the transceiver assigned to the object that is assigned to the object module a command having the

code attuned to the assigned object when the object module is connected through the respective interface to the base module.

2. King, Rohrberg, and Kobayashi

In the final Office Action, the Examiner posited that King discloses the claimed invention with the exception of explicitly disclosing the system including at least two transceivers and each object module having a button. In the final Office Action, the Examiner posited that Rohrberg discloses the system including at least two transceivers and posited that it would have been obvious to modify the system of King to include at least two transceivers as disclosed by Rohrberg.

In the final Office Action, the Examiner posited that Kobayashi, in the same field of endeavor of input remote control devices, discloses that each object module (2a and 2b) (i.e., IC cards) having a button (20) (i.e., mark) operable for activating a base module (1) (i.e., a body of a key input device) to communicate to the transceiver (i.e., transceiver of a network 44 and 45) in order to generate and to transmit a code signal corresponding to its key.

In the Advisory Action mailed June 30, 2005, with respect to Kobayashi, the Examiner noted that Kobayashi recites “By pushing the predetermined mark 30 of this key operational portion from the top of the tablet 1b, a code signal corresponding to the pushed key is generated.” (Col. 4, lines 32-33 of Kobayashi.)

In the final Office Action, the Examiner posited that one of ordinary skill in the art recognizes the need to have a remote unit include a plurality of buttons in IC card to transmit a code signal of Kobayashi in a trainable transmitter of King in view of Rohrberg because King suggests it is desired to provide that a transmitter has a plurality of user-activated switches to generate a code to operate a plurality of functions in different security systems

(page 2, paragraphs 0017 to 0018) and Rohrberg furthermore suggests it is desired to have a production transmitter installed in a console of a vehicle to simplify removal and to replace easily (col. 12, lines 7 to 25; Figs. 27-28) and Kobayashi teaches that an IC card includes a plurality of buttons to generate and to transmit a code signal when characters or numerals are pushed and when this IC card is inserted into the key input device (col. 3, line 56 to col. 4, line 62; Figs. 1-6) in order to provide a universal key input device that has various different uses according to the mounted IC card.

In the final Office Action, the Examiner posited that therefore it would have been obvious to have a remote unit include a plurality of buttons in IC card to transmit a code signal of Kobayashi in a trainable transmitter of King in view of Rohrberg with the motivation for doing so being to transmit a code signal corresponding to its pushed button in a trainable transmitter of a vehicle transmitter system.

3. The Claimed Invention compared to King, Rohrberg, and Kobayashi

The claimed invention generally differs from King, Rohrberg, and Kobayashi in that in the claimed invention an object module has a button operable for activating a base module (which is operable to communicate commands with the transceivers) to communicate to a transceiver assigned to the object that is assigned to the object module a command having the code attuned to the assigned object when the object module is connected to the base module.

Kobayashi discloses a tablet key input device 1 having transparent touch panel tablet 1b provided with a detecting portion. When the detecting portion of the transparent touch panel tablet 1b is pushed, a detection signal is output. (See col. 3, line 65 through col. 4, line 4 of Kobayashi.) That is, a portion of the transparent panel table 1b is itself pushed in order to output a detection signal.

By mounting an IC card 2 in the tablet key input device 1, marks 20 printed on the surface of the card are recognized visually through the transparent touch panel tablet 1b and are represented in the transparent touch panel tablet 1b as key operational portions. (See col. 4, lines 8-32 of Kobayashi.) By pushing a predetermined mark 20 of the key operational portion from the top of transparent touch panel tablet 1b, a code signal corresponding to the pushed key is generated (as noted by the Examiner in the final Office Action and the Advisory Action). That is, a portion of “the top of transparent touch panel tablet 1b” is pushed to generate a code signal corresponding to the pushed key represented by the pushed touch panel tablet portion. Assignment of the respective keys in the key operational portions represented in transparent touch panel tablet 1b is performed in accordance with a program recorded in the IC card 2. (See col. 4, lines 32-44 of Kobayashi.)

Accordingly, in effect, transparent touch panel tablet 1b has a plurality of buttons which are assigned respective keys in accordance with instructions provided by the IC card 2. The IC card 2 itself does not have buttons which are operable for activating the transparent touch panel tablet 1b to communicate code signals. IC card 2 simply has marks 20 which are visually transparent to an operator through the surface of transparent touch panel tablet 1b. IC card 2 further includes instructions for assigning the marks to portions/areas of the transparent touch panel tablet 1b. An assigned portion/area of the transparent touch panel tablet 1b itself is the object that an operator physically pushes for the transparent touch panel tablet 1b to generate a code signal corresponding to the assigned portion/area. Thus, the assigned portion/area of the transparent touch panel tablet 1b is a “button” for activating the transparent touch panel tablet 1b upon being pushed and is of the transparent touch panel tablet 1b, but is not of the IC card 2. (See, for example, the abstract of Kobayashi, “when the key portion of the tablet 1b is pushed”; col. 2, lines 11-12 of Kobayashi, “By pushing each key portion in the tablet, the corresponding key is operated.”; col. 4, lines 35-38 of Kobayashi, “when a character [D] of the tablet 1b is pushed . . . When a numeral [3] of the tablet 1b is pushed . . .”)

Accordingly, the combination of King, Rohrberg, and Kobayashi does not teach or suggest, as claimed, an identification device having a base module and object modules in which the base module is operable for communicating commands, the object modules have codes for the base module to use when communicating commands, and the object modules have buttons for causing the object modules to provide the codes to the base module.

Thus, the Applicant believes that independent claims 1, 6, 11, and 13 are patentable under 35 U.S.C. § 103(a) over any combination of King, Rohrberg, and Kobayashi. Claims 2-3, 5, 7-8, 10, 14-16, 18, and 20 depend from one of independent claims 1, 6, and 13 and include the limitations therein. As a result, claims 1-3, 5-8, 10-11, 13-16, 18, and 20 are believed to be patentable under 35 U.S.C. § 103(a) over any combination of King, Rorhberg, and Kobayashi.

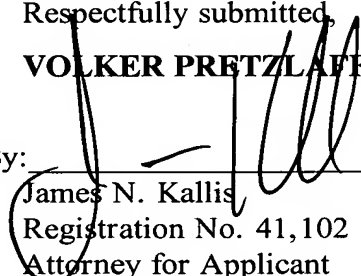
**B. Claim 19 is Patentable under 35 U.S.C. § 103(a) over
U.S. Patent Application Publication No. 2002/0067826 (King) in view of
U.S. Patent No. 6,661,250 (Rohrberg), U.S. Patent No. 6,686,908 (Kobayashi), and
U.S. Patent No. 6,374,164 (Eklind)**

Claim 19 depends indirectly from independent claim 13 and includes the limitations therein. As a result, claim 19 is believed to be patentable under 35 U.S.C. § 103(a) over any combination of King, Rorhberg, Kobayashi, and Eklind.

CONCLUSION

In view of the foregoing, the Applicant respectfully requests that the Board rules that claims 1-3, 5-8, 10-11, 13-16, and 18-20 are patentable under 35 U.S.C. § 103(a) over the cited art.

Respectfully submitted,
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Enclosure - Appendices

VIII. CLAIMS APPENDIX

1. A keyless authorized access control system, the system comprising:
at least two transceivers, each transceiver being assigned to a respective object;
and
an identification device having a base module operable to communicate commands to the transceivers assigned to the objects;
the identification device further having at least two object modules, each object module being assigned to a respective one of the objects, each object module having a memory chip containing a code attuned to the assigned object;
each object module being interchangeably connected to the base module through a respective interface;
each object module having a button operable for activating the base module to communicate to the transceiver assigned to the object that is assigned to the object module a command having the code attuned to the assigned object when the object module is connected through the respective interface to the base module.

2. The system of claim 1 wherein:
the base module has a memory chip containing a code attuned to one of the objects, the base module is operable for communicating to the transceiver assigned to the object in which the code of the memory chip of the base module is attuned a command having the code of the memory chip of the base module.

3. The system of claim 2 wherein:
the base module has a button operable for activating the base module to communicate to the transceiver assigned to the object in which the code of the memory chip of the base module is attuned the command having the code of the memory chip of the base module.

5. The system of claim 1 wherein:

each object module has an electronic subassembly relating to the assigned object for carrying out object-specific communication with the transceiver assigned to the assigned object.

6. An identification device for a keyless authorized access control system operable for communicating with transceivers assigned to objects, the identification device comprising:

a base module operable to communicate commands to the transceivers assigned to the objects; and

at least one object module, each object module being assigned to a respective one of the objects, each object module having a memory chip containing a code attuned to the assigned object, each object module being interchangeably connected to the base module through a respective interface;

each object module having a button operable for activating the base module to communicate to the transceiver assigned to the object that is assigned to the object module a command having the code attuned to the assigned object when the object module is connected through the respective interface to the base module.

7. The device of claim 6 wherein:

the base module has a memory chip having a code attuned to one of the objects, the base module is operable for communicating to the transceiver assigned to the object in which the code of the memory chip of the base module is attuned a command having the code of the memory chip of the base module.

8. The device of claim 7 wherein:

the base module has a button operable for activating the base module to communicate to the transceiver assigned to the object in which the code of the memory chip

of the base module is attuned the command having the code of the memory chip of the base module.

10. The device of claim 6 wherein:

each object module has an electronic subassembly relating to the assigned object for carrying out object-specific communication with the transceiver assigned to the assigned object.

11. A keyless authorized access control system, the system comprising:
at least two transceivers, each transceiver being assigned to a respective object;

and

an identification device having a base module operable to communicate commands to the transceivers assigned to the objects, the identification device further having at least two object modules, each object module being assigned to a respective one of the objects, each object module having a memory chip containing a code attuned to the assigned object, the object modules being interchangeably connected to the base module through respective interfaces, wherein the base module has at least two receptacles with each receptacle receiving one of the object modules in order to interchangeably connect the object modules to the base module through the respective interfaces;

wherein each object module has a button operable for activating the base module to communicate to the transceiver assigned to the object that is assigned to the object module a command having the code attuned to the assigned object when the object module is connected through the respective interface to the base module.

13. A keyless authorized access control system, the system comprising:
at least two transceivers, each transceiver being assigned to a respective object;

and

an identification device having a base module operable to communicate commands to the transceivers assigned to the objects, the identification device further having an object module, the object module being assigned to a first one of the objects and having a memory chip containing a first code attuned to the first object, the object module being interchangeably connected to the base module through an interface;

the object module having a button operable for activating the base module to communicate to the transceiver assigned to the first object a command having the first code when the object module is connected through the interface to the base module.

14. The system of claim 13 wherein:

the base module has a receptacle for receiving the object module in order to interchangeably connect the object module to the base module through the interface.

15. The system of claim 13 wherein:

the base module has a memory chip having a second code attuned to a second one of the objects, the base module is operable for communicating to the transceiver assigned to the second object a command having the second code.

16. The system of claim 13 wherein:

the object module and the base module have corresponding plug-and-socket connectors in order to interchangeably connect the object module to the base module.

18. The system of claim 13 wherein:

the object module has at least two buttons, each button is operable for activating the base module to communicate to the transceiver assigned to the first object a respective command having the first code when the object module is connected to the base module through the interface.

19. The system of claim 18 wherein:
the at least two buttons are ergonomically different from one another to enable a user to distinguish the buttons without viewing the buttons.

20. The system of claim 13 wherein:
each object module has an electronic subassembly relating to the assigned object for carrying out object-specific communication with the transceiver assigned to the assigned object.

IX. EVIDENCE APPENDIX

NONE.

X. RELATED PROCEEDINGS APPENDIX

NONE.